

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23034 of 2004

Between:

N. Vallinayagam, S/o Nataraja Sapathi,
O/o Commissioner of Endowments, Tilak Road, Hyderabad - 500 001.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, Rep. by its Principal Secretary,
Revenue (Endowments) Department, Secretariat, Hyderabad.
- 2 The Commissioner of Endowments, Tilak Road, Hyderabad.
- 3 Sri D. Krishnama Chary, Deputy Sthapathy, O/o Commissioner of Endowments,
Tilak Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of "Certiorari" calling for the records relating to the order dated 16-11-2004 in C.A.No. 100/2004 in O.A.No. 8377 of 2003 by the Andhra Pradesh Administrative Tribunal, Hyderabad, and quash the same as unreasonable, unjust and without any basis.

Counsel for the Petitioner:MR.D.RAMAKRISHNA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following :

ORDER: (PER GB.J)

This writ petition is filed assailing the order passed by the Andhra Pradesh

Administrative Tribunal, Hyderabad, in C.A.No.100 of 2004 in O.A.No.8377 of 2003, dated 16.11.2004.

In a pending O.A., C.A. No.100 of 2004 was filed by the petitioner alleging violation of the interim orders. The Tribunal, however, passed orders in the said C.A. with the following directions:

“As the status quo orders issued by the Tribunal on 09.01.2004 have not been implemented, the Official Respondents are directed to implement the above orders of the Tribunal and if any promotion is given to the Applicant or Unofficial Respondent, the promotion should be reviewed with reference to the status quo order and pass appropriate orders if any promotions have to be made, they should be made only in accordance with Rules issued in G.O.Ms.No.245, Revenue (Endt.II) Department, dated 08.05.2002. The earlier order, dated 31.08.2004 stands modified accordingly.”

The principle contention raised by the learned counsel for the petitioner is that the Tribunal passed the said order without giving any notice to him and therefore, the order is illegal and contrary to law.

This statement is not disputed by the learned counsel for the respondent and also the learned Government Pleader.

Under those circumstances, the order of the Tribunal is set aside. The Tribunal shall dispose of O.A.No.8377 of 2003 within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No costs.

G.BIKSHAPATHY.J.,

P.S.NARAYANA.J.,

Dt.22.03.2004

tjs

To

1. The Principal Secretary, Government of Andhra Pradesh, Revenue (Endowments) Department, Secretariat, Hyderabad.
2. The Commissioner of Endowments, Tilak Road, Hyderabad.
3. 2 C.Cs to the G.P. for Revenue

4. 2 CD copies